

REMARKS/ARGUMENTS

A. Introduction

In the Office action of January 28, 2008, the Examiner:

1. Rejected claims 48, 49, 52, and 53 under 35 USC § 103(a) as being unpatentable over US Pre-Grant Publication No. 2004/0220854 by Postrel (hereinafter "*Postrel*") in view of US Pre-Grant Publication No. 2001/0049627 by Simpson (hereinafter "*Simpson*") and US Pre-Grant Publication No. 2001/0049624 by Uyama et al. (hereinafter "*Uyama*"); and
2. Rejected claims 50, 51, 54 and 55 under 35 USC § 103(a) as being unpatentable over *Postrel* in view of *Simpson* and *Uyama* and further in view of US Patent No. 6,820,062 to Gupta et al. (hereinafter "*Gupta*").

Claims 48 - 55 are pending.

The Applicant thanks the Examiner for the present Office action, and responds as follows:

B. Overview

The Applicant makes reference to and incorporates by reference a declaration of Applicant made under Rule 132 and transmitted under the same cover as the present response. The Applicant respectfully requests the Examiner review the content of this declaration which is provided with the intent of evidencing aspects of the background state of the art in coupon delivery systems and methods and such a request is made with the intent that a review of the declaration enhances the framework within which the Examiner views the arguments and remarks below.

C. Rejection of Claims 48, 49, 52 and 53 under 35 USC § 103(a) – *Postrel*, *Simpson & Uyama*

By this paper claim 48 has been amended to read that promotional material comprise a *manufacturer* coupon and thereafter the limitations are directed to manufacturer coupons rather than promotional material. As to the system embodiment, by this paper claim 52 has been amended to read that promotional material comprise a *manufacturer* coupon and thereafter the limitations are directed to manufacturer coupons rather than promotional material.

The Applicant respectfully asserts that the *Postrel* reference discloses a retailer-consumer chain where the offering company has the functionality of a retailer as to coupon delivery systems. Examples of *Postrel* teach a retail-consumer chain, e.g., transport-provider and traveler, a restaurant and diner (see *Postrel* at paragraph 0039), hotelier and guest (see *Postrel* at paragraph 0051) and *Postrel* appears devoid of teachings directed to manufacturers in the manufacturer-retailer-consumer chain. Further, *Postrel* teaches aspects of coupon redemption in a retail-consumer chain, i.e., a 2-party coupon generation, distribution and redemption process/system, that is incompatible with coupon redemption a manufacturer coupon particularized via a manufacturer's interface, or inputting steps of the manufacturer, as presently claimed. For example, reference is made to *Postrel* at paragraph 0023:

For example, if a large number of coupons has not be redeemed, the offering company 12 may unilaterally extend the expiration of the coupons without requiring re-issuance of the coupons.

Postrel discloses an ability to extend, i.e., change, the expiration date without re-issuing the coupon, and the Offering Company is the entity that may unilaterally perform this change. Expiration being the antithesis of redemption, a coupon must be redeemed for the expiration date to be relevant, and the unilateral extension of the expiration of the coupons without requiring re-issuance of the coupons would accordingly apply to the redemption of the coupon via a retailer-issuer rather than a manufacturer. That is, while an offering company,

as retailer, is taught by *Postrel* as integrally tied to the point of redemption (see paragraph 0043 of *Postrel*) and may extend the expiration date of its own coupons, *Postrel* does not disclose a manufacturer unilaterally extending expiration dates presumably due to the practical matter that such extensions would require a reissue of the coupon with the expiration date extended. Put another way, the Applicant asserts that *Postrel*'s offering company is a retailer and not a manufacturer, and the time-extendable coupon is a 2-party coupon and does not function as a 3-party manufacturer coupon. The Applicant respectfully asserts the claimed interfacing by, and means of interfacing for, a manufacturer are not those of a retailer and are not a straightforward mapping of the retailer interaction disclosed by *Postrel*. Moreover, the Applicant respectfully asserts the role of *Postrel*'s "offering company" does not teach the particulars of a manufacturer interface in that the "offering company" plays the role of a redeeming retailer of its own coupons as exemplified at paragraph 0043: "Accordingly, the offering company 12 is aware of the parameters of the offer and is required to honor the offer at the traveler's redemption of the discount coupon."

In addition, the Applicant respectfully asserts that the *Uyama* reference does not disclose the claimed functions of a manufacturer of claims 48 & 49 and that *Postrel* taken together with *Simpson* and *Uyama* do not teach the claimed manufacturer interfacing features of claims 52 and 53. As stated in the response of November 9, 2007, a manufacturer of the claims of the present application is not a service provider or retailer and thus functions differently than the processes disclosed in *Postrel*. The Examiner states at page 5 of the Office action of January 28, 2008 that "[t]he adaptation of the coupon distribution method to specific industries would be well within the purview of skill (sic) artisan in the art of marketing at the time of the invention." The Applicant respectfully rebuts this statement by asserting that the claimed steps of claim 48 of a manufacturer are not an adaptation to a specific industry, i.e., from one retail industry to another retail industry, but rather claims a new function in a chain of commerce where a manufacturer inputs information comprising manufacturer data and inputs data for consumer selection, i.e., the interfacing step of the manufacturer of claim 48 which includes particularization as to manufacturer coupons that may be distributed to consumers for redemption via a consumer-retailer transaction.

The Examiner states at page 5 of the Office action of January 28, 2008 that “[t]he claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.” The Applicant respectfully rebuts this statement by asserting that the claimed interfacing/inputting steps of claim 48 of a manufacturer are not rendered obvious by the citation to the manufacturer’s coupon of Uyama nor the retail-consumer chain of Postrel, rather, as the Applicant has explained in the specification of the present application, (pre-grant publication 2002/0107739 at paragraphs 12 and 87), the consumers may redeem manufacturer coupons via retail transactions, and so, claim 48 is directed to technical steps in a chain of commerce starting with a manufacturer and the references thus far do not teach this functionality as claimed in the interfacing step of claim 48. As to claim 49, by depending from claim 48, the Applicant respectfully rebuts the Examiner’s statement characterizing the claimed method as an adaptation of a coupon distribution method to a specific industry and rebuts on the additional basis that claim 49 claims a new function in a chain of commerce, i.e., the manufacturer-retailer-consumer chain, where a manufacturer inputs information comprising manufacturer data and inputs data for consumer selection and, in the same process, a retailer specifies promotional material content and inputs one or more target consumer profiles and both manufacturer and retailer promotional materials are generated and distributed to consumers. The references cited thus far do not teach this claimed function of both a manufacturer and retailer in a chain of commerce for coupon distribution having the respective inputting steps as claimed in claim 49.

As to system claim 52, the claimed system functions differently than the combination of the cited references and this difference is not an adaptation of the coupon distribution method of *Postrel* to another industry but instead claims a new functionality for a manufacturer’s interaction in that Claim 52 claims a means for interfacing between the host computer and a manufacturer that includes means for inputting manufacturer data and means for inputting data for consumer selection. System claim 53 brings in the concurrency of functionality in a chain of commerce, i.e., the manufacturer-retailer-consumer chain, by claiming an additional means for the retailer to interface in a system where the manufacturer also has a means for interfacing. The references cited thus far do not teach this claimed

functionality of both a manufacturer and retailer in a chain of commerce for coupon distribution having their respective interfacing means as claimed in claim 53.

Accordingly, the applicant respectfully submits that claim 48, 49 and system claims 52 and 53 are patentable over the cited references.

D. Rejection of Claims 50, 51, 54 and 55 under 35 USC § 103(a) – *Postrel, Simpson Uyama, & Gupta*

By this paper, claim 51 has been amended to depend from and further limit claim 50. As to the system embodiment, by this paper, claim 55 has been amended to depend from and further limit claim 54.

The Applicant respectfully asserts that the *Gupta* reference while disclosing a display of product nutritional information in response to a scanned product bar code does not disclose the claimed steps of claims 50 & 51 and does not disclose the functionality of system claims 54 & 55 where, as to claims 50 & 51, a manufacturer inputs or provides the claimed nutritional information via an interfacing step. The Applicant respectfully submits that invention as claimed does not claim a barcode that is scanned to provide the consumer with nutritional data or ingredient data. The Examiner states in the Office action of January 28, 2008, at page 6, lines 7-10 that:

The claims would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. The adaptation of the coupon distribution method to specific industries would be well within the purview of skill (sic) artisan in the art of marketing at the time of the invention.

The Applicant respectfully rebuts these statements as follows: (a) the technique taught in *Gupta* is not the method claimed in claims 50 and 51 nor the system elements as claimed in claims 54 and 55 in that the present claims are directed to the interfacing, or

Appl. No. 10/051,557
Amdt. Dated March 27, 2008
Reply to Office action mailed January 28, 2008

inputting via a computer network interface, of a manufacturer to provide ingredient and/or nutritional information to consumers via an inputting interface, as to claims 50 and 54, and the *Gupta* reference appears devoid of such teachings; and (b) the claimed interfacing by a manufacturer is not an adaptation to a specific industry but rather is a new function in a chain of commerce where a manufacturer inputs information comprising manufacturer data and inputs data for consumer selection, i.e., the claimed interfacing step of, or means for interfacing by, the manufacturer and this new function in the claimed chain of commerce, i.e., at the level of manufacturer, is not present in the cited references including *Gupta*. The references cited are devoid of the respecting inputting steps and interfacing means for a manufacturer and a retailer in the manufacturer-retailer-consumer chain of commerce as applied to coupon particularization, targeting and distribution as presently claimed. Accordingly, the Applicant respectfully submits that claims 50, 51, 54 and 55 are patentable over the cited references.

Appl. No. 10/051,557
Amdt. Dated March 27, 2008
Reply to Office action mailed January 28, 2008

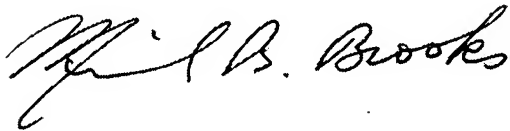
E. Conclusion

The Applicant respectfully submits presently pending claims 48 – 55, as amended by this paper, are patentable over cited references and are presently in condition for allowance. While no additional fees are anticipated with this response, should additional fees be required, authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. 02-3979.

Having addressed all of the Examiner's rejections by argument/remarks taken together with the Applicant's declaration, and by clarifying amendments and limitations, the Applicant respectfully asserts the presently pending claims in conditions for allowance, and the Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MICHAEL BLAINE BROOKS, P.C.



Dr. Michael B. Brooks, Esq.
Registration Number 39,921

Telephone No. (805) 579-2500
FAX (805) 584-6427

Michael Blaine Brooks, P.C.
1445 E. Los Angeles Ave., Suite 301Z
Simi Valley, CA 93062-2827

Customer No. 24507